

Submitted by 59 CG. 57 (B-195022, 104.22, 1979)

DIRECT

L-C-P

COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

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1-176129

AUG 30 1972

Mr. James L. Humphrey
Authorized Certifying Officer
Office of Administrative Planning and Services
U. S. General Accounting Office

Dear Mr. Humphrey:

Reference is made to your letter of June 1, 1972, requesting to be advised with regard to the travel voucher of Mr. Robert M. Patterson for mileage from Austin to Denton, Texas, and with regard also to Mr. Jon E. Kucholz' voucher for mileage and per diem in connection with travel between Austin, Denton, and Dallas, Texas. The travel expenses involved arise in connection with Mr. Patterson's injury while on temporary duty assignment in Austin, Texas. Mr. Patterson and Mr. Kucholz are employees of the General Accounting Office and their permanent duty station is Dallas, Texas.

You indicate that on April 15, 1972, while on temporary duty in Austin, Mr. Patterson fell and broke his hip. He was placed in a body cast which made it impossible for him to ride in a sitting position and he was therefore driven back to his residence in Denton in the station wagon of Mr. Kucholz, who was also on temporary duty assignment in Austin. Mr. Kucholz' itinerary was changed to authorize him to drive Mr. Patterson to Denton on April 18. He left Austin at 4 p.m., April 18, and returned at 6 p.m., April 19. It appears from the voucher submitted that Mr. Kucholz spent the night of the 18th at his permanent duty station, Dallas. In connection with that travel Mr. Kucholz claimed and was paid per diem and mileage for travel to and from Austin. In view of the fact that Mr. Kucholz performed no official business from 4 p.m., April 18, until 6 p.m., April 19, you question the propriety of that payment.

While Mr. Patterson was being driven to Denton by Mr. Kucholz, Mrs. Patterson drove their car back to Denton. We assume that Mr. Patterson had been authorized the use of his privately owned vehicle in connection with his temporary duty assignment in Austin. Mr. Patterson has claimed reimbursement for mileage in connection with the travel performed by his wife.

With regard to the transportation of an employee who becomes ill or is injured while on temporary duty, section 2.4 of Office of Management and Budget Circular No. A-7 provides as follows:

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TRANSPORTATION
Automobiles

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Illness of employee while en route

"2.4 Return to official station due to illness or injury

Transportation expenses to employee's designated post of duty may be authorized or approved whenever the employee becomes incapacitated due to illness or injury, not due to his own misconduct, while en route to or while at temporary duty station prior to completion of temporary duty assignment."

Under the above-quoted regulation, Mr. Patterson was properly authorized return transportation to his permanent duty station. Since that transportation was provided by Mr. Kucholz, reimbursement may be made to Mr. Kucholz for actual expenses for travel from Austin to Denton, including gasoline, oil, tolls, etc., to the extent that they do not exceed the cost by common carrier. 28 Comp. Gen. 332 (1948), B-152030, August 5, 1963.

Mr. Patterson's return transportation having been provided for by payment to Mr. Kucholz of the cost thereof, there is no basis for the additional payment of mileage in connection with the return of Mr. Patterson's own car to his permanent duty station. 44 Comp. Gen. 783 (1965), B-160074, October 3, 1966.

Although no medical certification has been provided for the record, we presume from the description of Mr. Patterson's injuries that he was unable to travel without assistance. We held in B-169917, July 13, 1970, that under the above-quoted regulation reimbursement of the transportation expenses of a medically required attendant is allowable. If Mr. Kucholz' assistance was so required, in addition to any driving functions which he performed, there would be no objection to reimbursement of the actual expenses incurred in connection with his travel from Denton to Dallas and his return from Dallas to Austin.

There is however no authority for payment of per diem or subsistence expenses to an attendant. B-174242, November 30, 1971. Nor may Mr. Kucholz be regarded as having driven his automobile while in the performance of official business as to entitle him to subsistence or per diem in connection with the travel involved. 26 Comp. Gen. 110 (1946), 28 id. 332 (1948).

The vouchers are returned herewith for handling in accordance with the above.

Sincerely yours,

R.F. KELLER

Acting Comptroller General
of the United States

Enclosures

TRAVEL EXPENSES
Records

Accompanying injured, etc.,
employee from temporary duty station